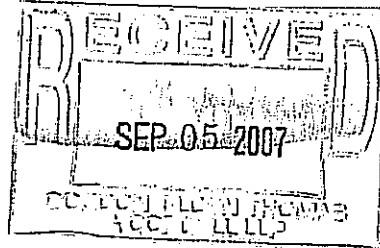


Exhibit C

The Honorable Marsha J. Pechman



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANNE L. KELLEY and KENNETH
HANSEN,
Plaintiffs,
v.
MICROSOFT CORPORATION, a Washington
Corporation,
Defendant.
No. C07-0475 MJP
PUTATIVE CLASS ACTION
MICROSOFT'S AMENDED
OBJECTIONS AND RESPONSES
TO PLAINTIFFS' FIRST SET OF
REQUESTS FOR ADMISSIONS

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, defendant Microsoft Corporation hereby responds to Plaintiffs' First Set of Requests for Admissions as follows:

GENERAL OBJECTIONS

1. **Limitations on Discovery.** This case is currently an individual action being brought by two individuals, and the parties have agreed to bifurcate discovery in this case such that discovery related to whether a class should be certified shall occur before any discovery going to the merits of the case will commence. Unless and until the case is certified as a class action (which Microsoft believes it should not be), discovery will be confined to

Microsoft's Amended Objections and Responses to Plaintiffs' First Set of Requests for Admissions
(C07-0475 MJP) — 1

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1 41. Microsoft did not authorize retailers that sold PCs designated as "Windows
2 Vista Capable" to consumers to modify the "Windows Vista Capable" sticker.

3 **RESPONSE:**

4 Subject to and without waiver of its objection to and definition of the term "retailers,"
5 Microsoft admits this request.
6

7 42. Microsoft prohibited retailers that sold PCs designated as "Windows Vista
8 Capable" to consumers from modifying the "Windows Vista Capable" sticker.
9

10 **RESPONSE:**

11 Subject to and without waiver of its objection to and definition of the term "retailers,"
12 Microsoft denies the request as stated. By way of further response, if retailers or others
13 modified the "Windows Vista Capable" logo without Microsoft's permission, applicable
14 trademark law would have provided Microsoft with remedies.
15

16 43. "Windows Vista Capable" stickers were intended by Microsoft to encourage
17 consumers not to delay their purchases of new PCs until the actual release of Vista.
18

19 **RESPONSE:**

20 Microsoft admits only that the "Windows Vista Capable" logo was intended in part to
21 encourage consumers not to delay their purchases of new PCs until the release of Windows
22 Vista. Otherwise, Microsoft denies this request as stated.
23

1 44. The Vista Upgrade Express program was intended by Microsoft to encourage
 2 consumers not to delay their purchases of new PCs until the actual release of Vista.
 3

RESPONSE:

4 Microsoft admits only that the "Windows Vista Upgrade Express" program was
 5 intended in part to encourage consumers not to delay their purchases of new PCs until the
 6 release of Windows Vista. Otherwise, Microsoft denies this request as stated.
 7

8 45. "Windows Vista Capable" stickers were intended by Microsoft to maintain
 9 consumer demand for new PCs, with Windows XP pre-installed, prior to the actual release of
 10 Vista.
 11

RESPONSE:

12 Microsoft objects to this request on the grounds that "maintain consumer demand" is
 13 vague and ambiguous with respect to its intended meaning.
 14

15 Subject to and without waiver of its foregoing objection, Microsoft admits only that
 16 the "Windows Vista Capable" logo was intended in part to encourage consumers not to delay
 17 their purchases of new PCs until the release of Windows Vista. Otherwise, Microsoft denies
 18 this request.
 19

20
 21 46. The Vista Upgrade Express program was intended by Microsoft to maintain
 22 consumer demand for new PCs, with Windows XP pre-installed, prior to the actual release of
 23 Vista.
 24

25
 26
 27 Microsoft's Amended Objections and Responses to Plaintiffs'
 First Set of Requests for Admissions
 (C07-0475 MJP) — 25